



W.P.(MD)No.2269 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

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THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.2269 of 2025

and

W.M.P(MD)No.1632 of 2025

Raman

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The District SC/ST Welfare Officer,
Madurai District, Madurai.

3.The Special Tahsildar,
Adhithiravidar Welfare,
Usilampatti Taluk, Madurai District.

4.The Tahsildar,
Usilampatti Taluk, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.4050/2024/S, dated on 31.12.2024 passed by the 4th respondent and to quash the same as illegal and consequently, to direct the respondents to survey the petitioner's land in Survey No.321/41 to an extent of 3 cents respectively



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situated at Vikkiramangalam Village, Usilampatti Taluk, Madurai District and to fix its boundaries as per revenue records by obtaining adequate police protection in the light of the judgment in W.P.(MD)No.22862 of 2024 of this Court.

For Petitioner :Mr.V.G.Vallarasu Chezhiyan
For Respondents :Mrs.K.Malathi,
Additional Government Pleader

ORDER

The Writ Petitioner seeks issuance of a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.No.4050/2024/S dated 31.12.2024 on the file of the fourth respondent and consequently, seeks a direction to the respondents to conduct survey of the petitioner's land in Survey No.321/41 measuring 3 cents situated at Vikkiramangalam Village, Usilampatti Taluk, Madurai District and to fix the four boundaries as per revenue records after obtaining adequate police protection.

2.I have heard Mr.V.G.Vallarasu Chezhiyan, learned Counsel for the petitioner and Mrs.S.Malathi, learned Additional Government Pleader for the respondents.



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3.The petitioner has already moved this Court in W.P.(MD)No. 22862 of 2024 and this Court, by order dated 25.09.2024, disposed of the said Writ Petition directing the petitioner to submit all relevant records to establish the title and thereafter, the survey was directed to be conducted after issuing notice to the adjacent land owners and interested parties. The said exercise was directed to be completed within a period of eight weeks from the date of receipt of a copy of that order.

4.The grievance of the petitioner is that despite positive orders passed by this Court, the respondents have not come forward to survey the petitioner's property and on the contrary, they have proceeded to reject the petitioner's request for survey citing that the assignment granted originally is proposed to be cancelled.

5.The contention of the respondents is that subsequent to the order passed by this Court, a detailed enquiry was conducted by the Village Administrative Officer, who filed a report on 08.12.2023, therefore, and a detailed report was sent to the second respondent on 19.09.2023 with the



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recommendation to cancel the patta granted to the petitioner.

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6.It is the case of the respondents that the petitioner and his wife Kaliasammal are residing in a house-site plot granted to one Kuilammal, the daughter of the petitioner, who was also given an assignment of Plot No.23 in the year 1991. The said Kuilammal died in the year 2008 and the petitioner and his wife are residing in the said plot No.23 allotted to the daughter Kuilammal in S.No.321/2. Further, the petitioner was also granted house site patta in respect of S.No.321/41, which according to the Special Tahsildar, Land Acquisition, Adidraavidar Welfare, Usilampatti, is earmarked mark for common usage by inhabitants of the colony and e-Patta was wrongly granted to the petitioner. It is the further case of the respondents that the Tashildar, Usilampatti, had also conducted a full fledged enquiry and has come to the irrefutable conclusion that the assignment has been wrongly given to the petitioner in S.No.321/41 and steps are being taken to cancel the patta granted in favour of Kuilammal, daughter of the petitioner in respect of Plot No.23.

7.According to the respondents, suppressing all these material facts, the Writ Petitioner has approached this Court earlier and obtained



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orders in W.P. (MD)No.22862 of 2024 and hence, the present petition is actually amounting to re-agitating the very same issue and is, therefore, barred by principles of *res judicata*.

8.Though it is the case of the respondents that the authorities have conducted full fledged enquiry, till date, admittedly, neither the patta in favour of the petitioner's daughter has been cancelled nor the assignment and the subsequent computer patta issued in favour of the petitioner have been recalled. Therefore, without passing final orders in that regard, it is not open to the respondents to deny a survey sought for by the petitioner, especially, pursuant to the direction of this Court in W.P.(MD)No.22862 of 2024.

9.As long as the petitioner's assignment and patta are not cancelled and are subsisting, the respondents are not entitled to deny or refuse survey to be conducted based on the request of the petitioner in respect of Survey No.321/41. If really the respondents were serious in taking steps to correct the wrong issuance of patta to the petitioner, they ought to have taken immediate steps, at least after the disposal of the earlier



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Writ Petition in W.P(MD)No.22862 of 20224 as early as on 25.09.2024.

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Even in the counter filed in the present Writ Petition, the respondents do not state that final orders have been passed cancelling the allotment and the patta issued to the petitioner.

10.In such view of the matter, the rejection order passed by fourth respondent is unsustainable and is liable to be set aside and accordingly, set aside. The Writ Petition is allowed. The fourth respondent shall proceed to conduct survey based on the petitioner's application and of course, any such survey shall be subject to the proceedings, that may be initiated for cancellation of the allotment order/patta in favour of the petitioner in respect of S.No.321/41. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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P.B.BALAJI, J.

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